

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GAYLAND BRION COLES,

Plaintiff,

v.

Case No. 20-12606  
Honorable Linda V. Parker

SCION STEEL, INC., et al.,

Defendants.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S DECEMBER 28,  
2022, REPORT AND RECOMMENDATION**

The action arises from an alleged breach of a March 28, 2019 Confidentiality Settlement Agreement resolving claims brought in another lawsuit. *See Coles v. Scion Steel, Inc.*, Civil Case No. 18-13754. Gayland Brion Coles (“Plaintiff”) initiated this pro se employment lawsuit against Scion Steel, Inc., Micky Tschihart, Tom McCall, and Jeff Michalski (collectively “Defendants”) on September 16, 2020. Plaintiff also alleges that subsequent to the resolution of the earlier lawsuit, Defendants retaliated against him for filing the prior lawsuit and gave non-African American employees more favorable work positions and assignments.

The matter has been referred to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive

matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 39.) On September 8, 2022, Plaintiff filed a motion for summary judgment. (ECF No. 59.) On December 28, 2022, Magistrate Judge Ivy issued a report and recommendation (R&R) recommending that the Court deny Plaintiff's motion for summary judgment as premature because the parties have not engaged in discovery. (ECF No. 70.)

At the conclusion of the R&R, Magistrate Judge Ivy informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 1514.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff's motion for summary judgment (ECF No. 59) is **DENIED WITHOUT PREJUDICE**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: January 17, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 17, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager